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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,794	10/11/2005	Klas Olofsson	P/1228-202	4510

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
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3748

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/552,794

Applicant(s)

OLOFSSON, KLAS

Examiner

Tu M. Nguyen

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. An Applicant's Request for Continued Examination (RCE) and an Applicant's Amendment filed on January 25, 2007 have been entered. Claims 1 and 6 have been amended. Overall, claims 1, 3, 4, 6, 8, and 9 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al. (U.S. Patent 5,009,065).

Re claims 1 and 6, as shown in Figures 13-14, Howe et al. disclose an apparatus for containing a particle filter for an exhaust system of a combustion engine and a method for regenerating said particle filter, the apparatus comprising:

- the filter (32) adapted to being regenerated by spontaneous combustion of particles accumulated in the filter;
- a silencer (714) which encloses the filter;
- a bypass duct (730) via which exhaust gases from the combustion engine in operation are arranged to be led to bypass past the filter (32) when the counter pressure in the exhaust gases which is caused by the filter exceeds a set level (see lines 1-13 of column 13), and the duct

Art Unit: 3748

(730) leading the exhaust gases past the filter through a space (730) inside the silencer, the space (730) surrounding the filter (32);

- a valve (40) which is operable to open when the counter pressure in the exhaust gases is above the set level, for leading exhaust gases from the combustion engine past the filter; and

- a catalyst (758) and a device (40) operable for causing the exhaust gases to pass through the catalyst during bypassing of the filter.

Re claims 4 and 9, the apparatus and method of Howe et al. further comprise at least one pressure sensor (must be present to detect a back pressure as indicated on lines 4-13 of column 13) for detecting the counter pressure, the sensor produces output signals which are operable for controlling the bypassing of the filter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. as applied to claims 1 and 6, respectively, above, in view of Takahashi et al. (U.S. Patent 6,918,463).

The apparatus and method of Howe et al. disclose the invention as cited above, however, fail to disclose that the valve is operable to open because of the action of the pressure of the exhaust gases against a holding-back spring.

As shown in Figure 5, Takahashi et al. also disclose a muffler for an engine, comprising a filter (6), a silencer (2) that encloses the filter, a bypass duct (7) that allows an exhaust gas stream to bypass the filter, and a valve (9) to selectively lead the exhaust gas stream to the bypass duct or to the filter. As indicated on lines 34-49 of column 3, Takahashi et al. teach that it is conventional in the art to utilize a holding-back spring in the valve so that the valve is operable to open because of the action of the pressure of the exhaust gases against the holding-back spring. It would have been obvious to one having ordinary skill in the art at the time of the invention was made, to have utilized the teaching by Takahashi et al. in the apparatus and method of Howe et al., since the use thereof would have been routinely practiced by those with ordinary skill in the art.

Response to Arguments

6. Applicant's arguments with respect to the references applied in the previous Office Action have been fully considered but they are moot in view of the new ground(s) of rejection.

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of one patent: Torosian et al. (U.S. Patent 3,841,841) further disclose a state of the art.

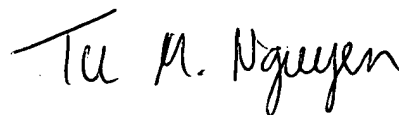
Art Unit: 3748

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (571) 272-4862.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TMN

Tu M. Nguyen

February 2, 2007

Primary Examiner

Art Unit 3748